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Trench, Rossi e Watanabe
Advogados

July 7, 2021

The Honorable Andrew L. Carter Jr.
United States District Judge
United States District Court for the
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, New York 10007

By CM/ECF and email
ALCarterNYSDChambers@nysd.uscourts.gov

In re Application of Kuwait Ports Authority for an Order Pursuant to 28 U.S.C. § 1782 to Conduct Discovery for Use in a Foreign Proceeding, Case No. 20-mc-00046 (ALC) (“1782 Application”)

Dear Judge Carter:

We represent the Applicant the Kuwait Ports Authority (the “KPA”) in relation to the above-referenced 1782 Application and write respectfully to update the Court on an imminent hearing in the Cayman Islands proceedings for which the KPA seeks 1782 discovery.

The 1782 Application was made on January 27, 2020 in support of what was then anticipated proceedings in the Cayman Islands. Since that time, the KPA has (as anticipated) issued such substantive proceedings against multiple defendants in the Cayman Islands, including for claims in fraud worth over \$100 million (the “**Cayman Islands Proceedings**”).

A substantial five-day interlocutory hearing has now been listed in the Cayman Islands Proceedings, to be heard in October 2021 in respect of various applications made by the defendants, including by those who have opposed the 1782 Application, namely the Port Fund.

The materials sought in the 1782 Application will be relevant to those applications. Accordingly, it would considerably assist the KPA in its preparation for the October applications for this Court to grant the 1782 Application and issue the discovery requests sought in the 1782 Application at the Court’s earliest convenience, so that any attendant disclosure can be made before the October 2021 hearing.



We appreciate the constraints on the Court's time and intrude on it only in light of the imminence of the applications in the now extant Cayman Islands Proceedings and the relevance of this 1782 Application to those proceedings.

We remain available should the Court have any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J M Kaplan".

Jacob M. Kaplan

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